

2026:PHHC:007722



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

250

FAO-390-2003

Date of decision :20.01.2026

JAGDISH

... APPELLANT

VERSUS

RAMESH KUMAR YADAV AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Amit Jain, Advocate
for the appellant.

Mr. Sanjiv Pabbi, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The claimant–appellant is aggrieved by the award dated 07.12.2000 passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred as ‘Tribunal’), whereby the claim petition preferred by him was dismissed. The claimant–appellant had filed the claim petition seeking compensation for the injuries suffered by him in accident dated 09.06.1998, which allegedly occurred due to the rash and negligent driving of respondent No. 1 while driving the vehicle bearing registration No. HR-47-3631.

2. The learned Tribunal, after considering the evidence led by the claimant, concluded that he had failed to prove not only the occurrence of the accident dated 09.06.1998 but also the involvement of the offending vehicle and rash and negligent driving on the part of respondent No. 1. It was observed that, in order to prove the accident, except for the oral assertions made by the claimant–

appellant while appearing as PW-1 and the testimony of PW-2 Laxman Mudgil, there was no corroborative evidence on record to establish that any accident had taken place on 09.06.1998, in which claimant had suffered injuries.

3. Admittedly, no FIR or DDR was lodged in respect of the alleged accident. The non-registration of FIR or DDR has, however, been explained by the claimant by asserting that he was prevented from approaching the police by his employer, i.e. respondent No. 2. In this regard, reliance has been placed upon a letter dated 30.10.1998, wherein respondent No. 2, being the employer and owner of the offending vehicle, informed the claimant that his claim for compensation was under consideration. The said letter was duly exhibited, and respondent No. 2, in the written statement, has also admitted issuance of the said letter to the claimant.

4. Learned counsel for the appellant-claimant has argued that lodging of an FIR or DDR is not mandatory to prove the accident and the injuries or loss suffered by the appellant-claimant. The legal principle canvassed by learned counsel for the appellant-claimant is not in dispute. The purpose of lodging an FIR or DDR is primarily for corroboration, and even in the absence thereof, the Tribunal or the Appellate Court is competent to arrive at a conclusion regarding the accident on the basis of the evidence placed on record.

5. However, upon consideration of the facts and circumstances of present case and the evidence available on record, this Court does not find any error in the conclusion drawn by the learned Tribunal. It is noteworthy that, as per the appellant-claimant, the accident had taken place on 09.06.1998. He claims that he was prevented from approaching the police by his employer vide letter dated 30.10.1998, whereas the present claim petition was filed on 12.09.2000, i.e. nearly two years after the alleged letter and more than two and a half years after the date of the alleged accident. No plausible explanation for the inordinate delay in filing

the claim petition is forthcoming. Moreover, except for the oral assertions of PW-1 (claimant himself) and PW-2, no independent or corroborative evidence has been brought on record which may enable this Court to conclude that an accident had in fact occurred on 09.06.1998 and that the appellant-claimant had suffered injuries on head, right shoulder and right leg on account of the said accident. Even though the claimant–appellant was afforded full opportunity to lead evidence, he failed to produce any contemporaneous medical record showing accidental injuries. No MLR has been placed on record to establish that the appellant-claimant had suffered any injuries in the said accident.

6. Though reliance has been placed upon the testimony of PW-3, who stated that hospital bills amounting to ₹68,650/- were issued in respect of the claimant, PW-3 has not disclosed the nature of treatment, the medical condition for which the appellant-claimant was admitted, or whether the treatment had any nexus with the alleged accidental injuries.

7. Perusal of the bills referred to by learned counsel for the appellant-claimant merely indicates payment of certain amounts and does not disclose the nature of injuries allegedly suffered by the appellant-claimant or the medical treatment purportedly undergone by him. The contention that the employer had rejected the claim of the appellant–claimant in October, 1999 is also of no assistance to his case, inasmuch as even thereafter the present claim petition was filed after a delay of about one year.

8. In the absence of any contemporaneous medical record reflecting the nature of injuries and in the absence of examination of any doctor to establish that the alleged injuries were consequence of motor vehicle accident, it cannot be held that the injuries claimed to have been suffered by the appellant-claimant were on account of alleged motor vehicular accident dated 09.06.1998.

9. Consequently, this Court does not find any merit in the appeal. The same is accordingly dismissed.

20.01.2026
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(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No